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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,244	03/15/2004	Jack G. Benoist		8839
7590	10/26/2005		EXAMINER	
Peter R. Bahn 10415 E. Boyd Road Mt. Vernon, IL 62864			BEAUCHAINE, MARK J	
			ART UNIT	PAPER NUMBER
			3653	
			DATE MAILED: 10/26/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/800,244	BENOIST, JACK G.
	Examiner Mark J. Beauchaine	Art Unit 3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 March 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 15 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number US 6,866,195 B2 by Knowles et al. The inventory system disclosed by said '195 patent incorporates a secure unattended inventory facility 102 (column 10, lines 13 plus) that read on the Applicant's building being on an unmanned commercial property. Furthermore, a customer can be furnished with a "passcode that can be used to access the unattended facility" (column 10, lines 29 plus). Such a means of customer entry reads on the Applicant's electronically controlled doorway.

Although said '195 patent fails to specifically disclose the step of a customer purchasing an item by leaving a record of receipt, it does disclose a customer being required to "enter into the data entry device (218) the quantity of parts they are retrieving from each secure enclosure (202, 302) that is accessed." (See column 14, lines 61 plus.) It would have been obvious to one of ordinary skill in the art at the time of the invention to use such a facility and process for the purchase of durable goods from said facility and to record the sale of said goods via the data entry device 218.

Claims 4-6 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over said '195 patent as applied to claims 1-3 above, and further in view of Patent Number US 6,782,988 B2 by Cantacuzene et al. Although said '195 patent fails to disclose surveillance cameras within the facility, the use of such apparatus to monitor unmanned facilities is well known in the art. The '988 patent teaches a storage facility that incorporates cameras 10 and 10'. It would have been obvious to one of ordinary skill to incorporate such a monitoring system into the facility of said '195 patent.

Claims 7-9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over said '195 patent in view of said '988 patent as applied to claims 4-6 above, and further in view of Patent Number 5,946,660 by McCarty et al. Although said '195 patent fails to disclose an electronic means for a customer to notify the facility operator of being in distress, said '660 patent teaches an automatic storage facility that incorporates a telephone 42 within said facility. Said telephone reads on the Applicant's electronic alerting means. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the telephone of said '660 patent into the inventory system of said '195 patent to provide an effective means of customer communication with the facility operator.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Patent Number US 6,704,613 B2 by Gomez because of its landing 1,

Patent Number US 6,344,796 B1 by Ogilvie et al because of its lock input device
18, and

Patent Number 5,386,462 by Schlamp because of its terminal 8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark J. Beauchaine whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (571)272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mjb



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